

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 173 of 2009

....., this the 25th day of January, 2010

CORAM:

HON'BLE DR. K.B.S. RAJAN, JUDICIAL MEMBER

S. Raveendran,
Deputy Postmaster,
Attingal Head Post Office,
Attingal, Thiruvananthapuram District.

... **Applicant.**

(By Advocate Mr. Vishnu Chempazhanthiyil)

v e r s u s

1. The Senior Superintendent of Post Offices,
Thiruvananthapuram North Postal Division,
Thiruvananthapuram.
2. Union of India, represented by the
Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.
3. A.K. Rajappan,
LR Postal Assistant,
Navaikulam, Thiruvananthapuram District.

... **Respondents**

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

The Original Application having been heard on 21.01.2010, this Tribunal on
25.01.10... delivered the following :

O R D E R
HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

The applicant, a permanent Deputy Postmaster, was serving in temporary capacity as Head Postmaster, Athingal Post Office. Provision exists for allotment of the Quarter attached to that post office to the Regular Head Postmaster of that Post Office. At the time when the applicant was so serving in the said Post Office in a temporary capacity, the quarter was not allotted to him

but on a request from another Leave Reserve Postal Assistant, of some other post office (Respondent No. 3) the quarter was allotted. Aggrieved by the same the applicant made a representation that the said quarter be allotted to him as he had been holding the post of Head Post Master, albeit in a temporary capacity. As the respondents did not acceded to his request this OA has been filed.

2. Respondents contested the O.A. According to them, the said quarter had been vacant since September, 2005 and the applicant did not apply for allotment of the same when it was vacant. On a written request by respondent No. 3 the quarter was allotted to him in September, 2008, and it was thereafter that the applicant made a request vide Annexure A 1. The applicant has his own house at Attingal and had worked as Officiating Head Post Master only for five months.

3. The applicant has filed his rejoinder stating that the respondent ought to have asked the willingness of the applicant before allotment to the third respondent, of the post office-attached quarter as at that time he was officiating on local arrangement as Head Postmaster. The said post of Head Post master has since been filled up by a regular hand. The allotment of the said quarter to a person not connected with the post office is totally illegal. Compared to the third respondent, the applicant had a better claim.

4. Counsel for the applicant argued that the allotment made was not transparent. Extraneous considerations dominated in the allotment of the said quarter to the third respondent.

5. Senior Central Government standing counsel argued that the applicant chose not to apply for allotment of the quarter, though the said quarter

was vacant since 2005 and the applicant was asked to officiate as Head Post master in February 2008. It was after the allotment was made in September 2008 to respondent No. 3 that the applicant chose to apply for allotment of the said quarter. Admittedly, the applicant is not now functioning as Head postmaster.

6. Arguments have been heard and documents perused. The grievance of the applicant is that when he was holding the post of Head postmaster on temporary basis, he ought to have been allotted the accommodation which the respondents failed. Again, the third respondent has absolutely no eligibility to have that quarter allotted, while he was allotted and the same is on extraneous grounds as spelt out in para 12 of the O.A. If provision exists for allotment of the quarter to any one other than the regular Head post master, in that event, before allotting the quarter to respondent No. 3 who has absolutely no link with the Post Office at Attingal, respondents ought to have offered the quarter to the applicant as at that time he was holding the post of Head Post Master, though on temporary basis. It has been fairly admitted by the counsel for the applicant that allotment of quarter is only to the Head postmaster appointed on regular basis and at the material point of time, the applicant was holding the post only in a temporary capacity and on a local arrangement basis. During his tenure as temporary Head post master, the applicant had not crystallized any eligibility to have the quarter allotted to him as the quarter could be allotted only to regular incumbent and not to the one holding the post on officiating basis. True, if the authorities have the power to relax the rules and allot the quarter to any other person, for that there must be an application from the applicant for allotment of the quarter, which the applicant failed to do. Thus, when the third respondent applied for the same he had been allotted the quarter, presumably with a condition that if the regular incumbent to the post of Head Postmaster, Attingal

applies for allotment of the quarter, the quarter should be vacated. There was no need to ask the applicant before allotting the quarter to the third respondent.

7. Even when the applicant was functioning as Head Postmaster on officiating basis, the applicant did not fulfill the eligibility condition. Today, the applicant is no longer functioning even as officiating Head Postmaster. It is pertinent to point out here that in his representation vide Annexure A-1 the applicant had stated that as the quarter would be allotted to the Head Postmaster posted on regular basis and as the applicant was holding the said post only on a local arrangement, he did not apply for the same. He had, thus requested that he be allotted the said quarter where he was prepared to stay till he was relieved from the post of Postmaster. Hence, he has no locus to agitate against the allotment of the quarter to respondent No. 3, for he cannot be a person aggrieved within the meaning of the A.T. Act. 1985.

8. In *Duryodhan Sahu (Dr) v. Jitendra Kumar Mishra*, (1998) 7 SCC 273, the Apex Court has explained as to the 'person aggrieved' in the following words:-

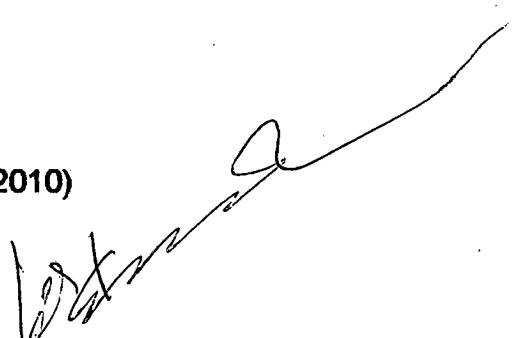
"6. In *Thammanna v. K. Veera Reddy* (1980) 4 SCC 62 it was held that although the meaning of the expression "person aggrieved" may vary according to the context of the statute and the facts of the case, nevertheless normally, a person aggrieved must be a man who has suffered a legal grievance, a man against whom a decision has been pronounced which has wrongfully deprived him of something or wrongfully refused him something or wrongfully affected his title to something."

9. As none of the legal right of the applicant has been hampered by the act of the respondents in the matter of allotment of the quarter, the applicant has no case. Hence, the OA is dismissed.

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10. In the circumstances, no costs.

(Dated, the 25th January, 2010)



Dr. K B S RAJAN
JUDICIAL MEMBER

CVR.